CHIEF ADMINISTRATIVE OFFICER
COUNTY OF LOS ANGELES
713 HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012
974-1101

December 8, 1976

HARRY L. HUFFORD
CHIEF ADMINISTRATIVE OFFICER

HONORABLE BOARD OF SUPERVISORS
County of Los Angeles
383 Hall of Administration
Los Angeles, California 90012

Gentlemen:

Corrections Inst. Detention homes San Fernando Valley

AB 3121 AND SAN FERNANDO VALLEY JUVENILE HALL

On November 16, 1976 the Board instructed my office to coordinate a report with all affected departments on the continued need for the San Fernando Valley Juvenile Hall (SFVJH). Subsequently, on November 23, 1976 the Board also instructed my office and the Acting Chief Probation Officer to respond to ten specific questions on the County's progress in implementing the major provisions of AB 3121 and their impact on reducing the need for detention beds. This letter is a combined report responding to both of the above orders.

Conclusions

My office, the Departments of County Counsel, Courts, District Attorney, Probation, Public Defender and Sheriff, completed a thorough review of AB 3121 to determine its fiscal, program and legal implications. The County's plan to implement AB 3121 has been developed through the Justice Action Coordinating Committee (JACC), in consultation with appropriate state agencies. While the bill will require procedural changes and staffing shifts, it is clear that:

-- Los Angeles County can implement the new law by the January 1, 1977 effective date, with no additional budgeted positions required.

Attachment A answers the specific questions raised by the Board in regard to AB 3121.

-- AB 3121 will not substantially reduce future needs for juvenile detention beds.

Attachment B is the Probation Department's analysis of detention bed needs which concludes that the scheduled replacement of SFVJH is essential.

Background Information on SFVJH

SFVJH was severely damaged and rendered unusable in the February 1971 earthquake. Temporary detention facilities were acquired by converting Camps Scott and Scudder to detention facilities and contracting for detention beds with the California Youth Authority. The latter action required state legislation which expired in December 1975. At that time the Sheriff's new minimum security unit at the Wayside Honor Rancho was temporarily assigned to the Probation Department to provide it with 210 detention beds.

In the latter part of 1975, your Board fully considered alternatives to the replacement of SFVJH and subsequently ratified the construction plan and timetable. Construction is underway now and is to be completed with SFVJH ready for occupancy by October 1977. Upon completion of SFVJH, we will be able to terminate use of the temporary beds at Wayside Honor Rancho and Camp Scott and complete the renovations and reduction of bed capacity at Central Juvenile Hall from 567 to 453. All of the anticipated facility and programmatic changes, as detailed in Attachment B, will result in an overall reduction in juvenile detention bed capacity from 1,244 to 1,001.

Status of Construction

The award for construction of the SFVJH building replacement was made to Robert E. McKee, Inc., on May 18, 1976 for the amount of $12,450,000.

Since that time, construction and repair has progressed on sixteen buildings, and includes foundations, below slab electrical and mechanical work, building walls and concrete roof decks. Soil grading, storm drain, and underground utilities are being installed. Construction of the perimeter security wall is progressing toward an early completion to provide the project security from vandalism. To date, approximately $4.6 million has been spent on the total project which includes site stabilization already completed and work under the current contract.

The project is estimated at 20 percent completion at this time, with excellent progress being afforded by the favorable weather conditions. Should the project be halted at this point, a negotiated settlement with the contractor would be required. This settlement would be the first of its kind for the County involving a project of this magnitude and complexity. In addition to the contractor, a negotiated reimbursement to the federal government for funds already advanced to the County ($1,790,000) would also be required. We cannot place a dollar amount on these settlements at this time, but are prepared to develop this information should your Board take action requiring the negotiations.

Status of Litigation

There are currently two lawsuits pending related to rebuilding of the SFVJH. Alex Cota, et al, vs. the County of Los Angeles is awaiting trial in the State Court. Plaintiff sought, but was denied a preliminary injunction and is now seeking a permanent injunction against the County's rebuilding of the SFVJH.

The second suit, Foley, et al, vs. Hills, et al, seeks to enjoin all payments by the Federal Department of Housing and Urban Development for reconstruction of the SFVJH. The Federal defendants have not yet responded. If the complaint is not dismissed, the County of Los Angeles may intervene to present its side of the case.

There is a third suit, Dwight Manney, et al, vs. Clarence E. Cabell, et al, which, while not directly related to rebuilding SFVJH, could have substantial effects on planned use for detention beds. This suit could result in prohibiting the use of infirmary and intensive care beds for regular detention purposes.

AB 3121

In September 1976, the Legislature passed and the Governor signed AB 3121 into law. This major juvenile justice reform bill aims to:

-- Strengthen the provisions for dealing with the older (16 and 17 year olds), and more serious offenders.

The District Attorney will become responsible for filing petitions on all WIC 602 minors. The bill retains original jurisdiction of all minors within the Juvenile Court; provides for fitness hearings of 16 and 17 year olds charged with certain felony offenses and shifts to these minors responsibility for proving that their case should appropriately remain within the Juvenile Court rather than Adult Court.

-- Prohibit the detention of status offenders (WIC 601 minors) in locked facilities; encourages the provision of services on a voluntary basis, the involvement of parents and maintaining minors in their own homes.

The Probation Department is to use temporary care facilities when it is necessary to detain 601 minors, provide for shelter care, crisis resolution and other community-based programs.

In addition, the bill removes curfew violation from the WIC 602 category and makes it a WIC 601 offense instead. The bill's numerous changes were summarized by the County Counsel in a report dated October 14, 1976 (Attachment C). AB 3121 is very complicated and contains a number of provisions, the impact of which cannot be readily determined. It is likely to take at least a year of operation before a comprehensive assessment can be made.

Implementation

This County is prepared to meet the requirements of AB 3121 on the implementation date of January 1, 1977, largely due to our efforts over the past two years to improve the juvenile justice system in which your Board has played a leadership role. Further, because of our advance planning efforts it now appears we will be able to implement AB 3121 with no long-term increase in County costs. There are, however, start-up costs identifiable with the implementation effort and the State Office of Criminal Justice Planning is making available a federal grant of $1,075,811 for this purpose. A separate Board letter is being filed concurrently with this report requesting the Board's authorization to accept this grant award, and approve the required grant application and resolution.

AB 3121 does require substantial procedural changes in the juvenile justice system, and several other counties, particularly the small ones, have raised concerns about their ability to meet the effective date of January 1, 1977. They are particularly concerned that there are not sufficient community resources available in their counties to meet the deinstitutionalization requirements. They also have had difficulty in identifying the staffing and financial requirements for implementing the law.

Although AB 3121 included an SB 90 disclaimer, we have been assured that the Legislature and State Department of Finance will work to reimburse counties for any increased costs resulting from the newly mandated services. My office will designate staff for the purpose of tracking the impact of the new changes on County expenditures and formulating any necessary SB 90 claim.

Continued Need for SFVJH

From our comprehensive review of AB 3121 and our implementation plan for the specific provisions of the bill, it appears very clear that this bill will have minimal effect in reducing the future need for juvenile detention beds.

A number of community group representatives have expressed their belief that the new law eliminated the need for replacing SFVJH and that the money allocated to its reconstruction would be better spent for diversion and other alternative programs. This belief is not borne out by a Probation Department analysis of juvenile offenses resulting in detention. A review of minors who are detained indicates that 35% of the minors are held for serious crimes against persons, such as murder, robbery and rape; an additional 35% are detained for crimes against property, such as burglary and auto theft. Most of the remainder are detained for narcotics, drug-related and repeated misdemeanor type offenses. At the present time, less than 100 of the 1,236 minors detained come under the status offender (WIC 601) category. It, therefore, remains urgent that the SFVJH construction continue on schedule.

I, THEREFORE, RECOMMEND THAT THE BOARD:

1. Approve this report and the County's general implementation plan for AB 3121 as set forth herein.

2. Instruct the Chief Administrative Officer to monitor and coordinate the implementation of AB 3121 with the involved County departments and appropriate state agencies; and provide progress reports to the Board at 90 day intervals during the first year of implementation.

Very truly yours,

Harry L. Hufford

Harry L. Hufford
Chief Administrative Officer

HLH:DGG/djl
Attachments
cc: Auditor-Controller
County Counsel
District Attorney
Facilities
Probation
Public Defender
Sheriff
Superior Court

QUESTIONS AND ANSWERS TO THE NOVEMBER 23, 1976 BOARD ORDER

1. What progress has the Probation Department made toward providing the non-secure facilities called for in AB 3121?

On September 21, 1976, the Board of Supervisors approved the Status Offender Detention Alternative (SODA) grant. SODA will provide funds for purchase of community services which could serve WIC 601 minors in lieu of secure detention.

Requests for Proposals (RFPs) for these services have been developed, and 196 were distributed. The proposals, due back on December 10, must stipulate one or more of three kinds of non-secure residential programs:

A. Temporary Care Bed Program.

B. Crisis Intervention Program.

C. Sheltered Care Program.

A "Bidders' Conference" took place on November 29 which included more than 20 representatives of large and small homes. Since beds in these categories cannot be ready by January 1, arrangements have been made for the use of SODA funds for other facilities on an interim basis. Probation Central Placement staff has been able to identify 93 beds available for temporary care. All of these are with organizations currently under contract with the County. They are in addition to beds available for longer-term placements. The Probation Department's letter requesting the Board's authorization to execute the interim bed contracts will be placed on the agenda of December 14, 1976.

2. What will be the cost for providing the needed number of non-secure facilities to comply with AB 3121?

This cost is the product of the number of minors who will enter each of the three facility categories (temporary care, crisis intervention and shelter care) multiplied by the cost per child for each category per day multiplied by the average length of stay. At this time we cannot specify the magnitude of all of these factors, and therefore we cannot estimate the total cost. From past experience though, we can roughly project that 18 minors per day will be entering the three types of facilities. Also, Probation is now in the process of contracting for temporary care beds at the rate of $21.07 per day per bed.

3. What is the current cost per day of detaining 601s in our juvenile halls? And, how will this cost compare with the cost of non-secure facilities? How much more or less will the cost be to Los Angeles County?

All 601s are currently housed at Central Juvenile Hall. The Auditor-Controller estimates the 1976-77 Central Juvenile Hall cost per day per juvenile at $58.97. (Average cost per day for all detention facilities is $61.21.) It is quite likely that the daily cost of the non-secure facility program will be less than these detention rates. No estimates can be made, however, until program proposals are received in response to question number 2 above.

4. As the result of 601s no longer being detained in juvenile hall, how many fewer beds will the County need to maintain?

The reduction is estimated at 136 beds. This is not, however, believed to be an overall reduction in detention beds and will be offset by other changes and trends which will increase detention pressures.

5. As the result of home supervision, how many fewer detention beds will be County need to maintain at juvenile hall?

It is estimated that there will be a reduction of 30 detention beds due to home supervision. Assessments of this program and of current court practices, procedures and attitudes suggest that the use of the program is not likely to be accompanied by a proportional decrease in detention beds. It is anticipated that a major portion of minors placed on home supervision will be those marginal cases which, under current law, would have been released at the detention hearing.

It is interesting to note that in Orange County a similar, but smaller, more controlled and more expensive program was termed a success. The Orange County program reported a failure (return to detention) rate of approximately 21%.

6. Will the cost of home supervision, with its mandated maximum caseload of ten, be less than current detention costs for the juvenile populaton eligible for home supervision?

If each child in home supervision would otherwise be in detention, the cost difference will be substantial--estimated at $11.67 compared to $61.21. However, as noted above, it is anticipated that the majority of minors in the home supervision program would have been detained for only very short periods, if at all.

7. What is the projected cost to Los Angeles County for the Office of the District Attorney to comply with this section of AB 3121? (full standing of prosecution in juvenile court)

In Los Angeles County, the District Attorney is present, by the Court's request, at all juvenile delinquency hearings. Since AB 3121 is only legally mandating this ongoing function, no increase in cost is anticipated.

As part of full standing for the District Attorney in juvenile court, a Deputy District Attorney will be required to file all WIC 602 petitions. This function will require an additional ten Deputy District Attorneys, two investigators, and support clerical staff.

The District Attorney has available in his current budget the necessary positions to carry out his responsibilities. The most recent Board-ordered reductions in budgeted expenditures has caused the District Attorney to leave vacancies in the Juvenile Division in order to offset overexpenditures in other programs. Until these adjustments are completed and full funding available for juvenile programs, the District Attorney's budget will, with Board approval, be supplemented with federal grant funds to enable hiring of an appropriate number of lawyers to meet the January 1, 1977 deadline.

7½. What is the projected cost to Los Angeles County for the Office of the Public Defender to comply?

AB 3121 changes affecting the Public Defender are technical and procedural in nature and are not expected to require additional staff or other costs. The Public Defender currently has sufficient positions budgeted to carry out his responsibilities in juvenile matters.

8. What, if any, is the anticipated impact that the increased adversary nature of juvenile court hearings will have upon detention facilities and budget requirements?

It is difficult to determine if there are any additional costs in terms of the Probation Department's detention facilities.

The adversary proceeding has existed in juvenile court for a number of years. It is not substantially changed by AB 3121. However, SB 42, the new determinate sentencing law, may possibly expand the disposition phase and impact the District Attorney's and Public Defender's staffing needs.

9. Will the potential increase in cases where juveniles are found "unfit" for juvenile court require additional bed space to be maintained by the Sheriff's Department? What will be the cost to the County?

AB 3121 makes it likely that more minors charged with serious felony offenses will be found "unfit" for juvenile court and will be tried in the adult courts. The District Attorney estimates the number at 350-500 minors annually. Most of these minors are expected to be held in juvenile hall, and AB 3121 should have very little impact on the number of minors who are remanded to the custody of the Sheriff to be held in County jail pending their trials. Minors will be detained in juvenile hall unless the court finds "that the safety of the public or of the inmates of the juvenile hall cannot be otherwise protected".

There are sufficient staff and segregated spaces within the County jail to accommodate approximately 50 juveniles at any one point in time. Any substantial increase in this number could require some County costs for expanded space and staff.

10. Assuming that there will be an increase in juveniles found "unfit" for juvenile court, how many fewer beds will the County need to provide within its residential camp system and what will be the anticipated budgetary savings?

Probation estimates that, at the present time, there are approximately 35 minors in the forestry camp program who might have been found unfit under the provisions of AB 3121. It is more likely that minors determined to be unfit by the juvenile court will be among those previously committed by the court to the California Youth Authority. Any savings to the County in either regard will be negligible.

ATTACHMENT B

COUNTY OF LOS ANGELES

PROBATION DEPARTMENT

9150 E. IMPERIAL HWY.
DOWNEY, CALIFORNIA 90242
TELEPHONE: (213) 923-7721

December 7, 1976

KENNETH F. FARE
Acting Chief Probation Officer

ASSISTANT PROBATION OFFICERS
Louis G. Fakhoury
Sam Ostroff
Gordon K. Pedersen
Fred Titel

Mr. Harry L. Hufford
Chief Administrative Officer
Chief Administrative Office
713 Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Mr. Hufford

RE: ANALYSIS OF DETENTION BED NEEDS

This letter is in response to a Board order made on November 16, 1976 instructing us to provide you with an analysis of the estimated impact of AB 3121 on the future detention and institutional needs for this Department.

This Bill contains provisions which are very difficult to assess. The full impact will depend upon interpretation and response by law enforcement, prosecuting and defense attorneys, the courts, and this Department.

It should also be pointed out that the impact of AB 3121 must be considered in light of other changes which are presently occurring. The following is therefore an analysis of all of the factors which will have an effect on our future need for detention beds.

If we assume for the purposes of this report that we have a sufficient number of beds at the present time, and we are operating at full capacity, the following changes will effect our future need for beds.

AB 3121

This Bill creates a major change in the juvenile justice system. Among those changes which we can predict will effect our need for detention beds are the following:

A. Deinstitutionalization of Status Offenders -

As of January 1, 1977 those court wards currently defined under Section 601 of the WIC will no longer be detained in a locked facility. In addition,

those youngsters who come under the jurisdiction of the juvenile court law by virtue of an offense which would not be a criminal act if committed by an adult, such as curfew, will no longer be kept in locked facilities.

At the present time the Probation Department has set aside 180 beds in our juvenile halls which are used for the detention of 601s. However, these are not used exclusively for the detention of 601. When the 601 population is down, these beds are now used for 602s, so long as a mixing of the 601s and 602s does not occur. The normal daily population for 601 cases is approximately 160. It is anticipated that approximately 15% of this number could have been filed as 602 cases. Therefore, we estimate that 136 detention beds will become available as a result of the deinstitutionalization of status offenders.

B. Home Detention Program -

Section 840 of the WIC mandates the Probation Department to implement and maintain a home supervision program. So as not to confuse this program with other existing programs, the Department will in the future refer to this program as The Home Detention Program.

Prior to passage of AB 3121 the Department implemented a release program designed to provide intensive supervision to youngsters who would otherwise be detained. At the present time there are 20 cases in this program. The Department intends to increase the program to 120 cases after January 1, 1977. It is our belief that the program will be primarily utilized for marginal cases who would probably have been released at the detention hearing even if the program were not available. Therefore, we estimate that the expanded Home Detention Program will effectively reduce our need for detention beds by approximately 30.

C. Liberalization of the Detention Criteria for 602 Cases -

AB 3121 proscribes a new and progressive treatment for children now defined under Section 601 WIC. It also introduces a new element into the juvenile

court law. For example, Section 502 which is known as the "purpose clause" was amended by adding: "to protect the public from criminal conducts by minors; to impose on the minor a sense of responsibility for his own acts ...". This new direction effected Section 628 WIC when the legislature liberalized the criteria for detention. At the present time the Probation Officer may detain a minor only if it is a matter of immediate and urgent necessity for the protection of the person or property of another. After January 1, 1977 the Probation Officer may detain a minor if it is a matter of "reasonable necessity for the protection of the person or property of another". The fact that the legislature changed this language is a statement of its intent that detentions should not be limited to extreme situations but can be used when reasonably necessary to protect the public.

Even though the Probation Department will not change its policy on detention, in an attempt to interpret the meaning of this change, it is likely that some youngsters will now be detained who in the past were not detained.

In an attempt to ascertain a projected number of cases which will be effected by this change in the law, the Probation Department analyzed its past detentions and releases. During a one year period (from September, 1975 through August, 1976) 6,598 - 602 WIC cases referred for detention by law enforcement were released by the Probation Department. In reviewing a sample of those released and applying the new 628 WIC criteria, we found that 27.7% of this release group would have been held for a detention hearing (1,828 cases). Applying the normal release rate by the court (22.2%) we estimate that 406 cases would be released and 1,422 additional 602 WIC cases would have been detained. Assuming an average detention period of 30 days (1,422 x 30 ÷ 365) we estimate an increased need of 116 beds as a result of this change in the law.

D. Longer Detention for Cases Determined Unfit for Juvenile Court -

AB 3121 makes it easier for the juvenile court to find a youngster unfit. Therefore we can anticipate an increase in the number of cases referred to the adult court for trial.

The District Attorney's Office estimates that as a result of the new law, the number of juveniles declared unfit for juvenile court will increase from 170 in 1975 to approximately 500 in 1977. These cases will have an average length of detention of 90 days as compared with 30 days for cases now heard in the juvenile court.

Even though these youngsters are found unfit for juvenile court, they will be detained in juvenile hall pending trial. Section 507 (a) WIC states that no person under the age of eighteen shall knowingly be detained in any jail "unless a judge of the juvenile court shall determine that there are no other proper and adequate facilities for the care and detention of such person, or unless such person has been transferred by the juvenile court to another court for proceedings not under the juvenile court law and has been charged with or convicted of a felony. If any person under the age of eighteen years is transferred by the juvenile court to another court and is charged with or convicted of a felony as herein provided and is not released pending hearing, such person may be committed to the care and custody of a sheriff, constable, or other peace officer who shall keep such person in the juvenile hall or in such other suitable place as such later court may direct ...".

Specifically how this provision should be implemented is at this time unclear. In Los Angeles County the Sheriff does not maintain juvenile hall or any part of it. Therefore the courts will most likely detain a large percentage of these younsgers in juvenile hall under the supervision of the Probation Officer. An analysis of the 1975 petition filings for those types of offenses enumerated in Section 707, shows a grand total of 1,405 cases likely to be eligible for fitness hearings. Of those cases an estimated 500 would be heard in adult court. Considering the additional length of time these cases will be in juvenile hall, we estimate that 54 additional beds will be required in the future.

E. Deinstitutionalization of Status Offenders from Treatment Programs -

Because of AB 3121 there will be a reduced demand for treatment beds. Approximately two-thirds of the female population at the Dorothy F. Kirby Center and Lathrop Hall are status offenders. These beds will now be available for 602 cases, thus decreasing the number of post-disposition cases in juvenile hall awaiting placement. We estimate the availability of 90 treatment beds as a result of deinstitutionalization of status offenders, and thus 90 detention beds.

F. Maximum Limit of Physical Confinement Pursuant to Section 726 WIC -

AB 3121 amends Section 726 WIC by imposing specific limits on confinement. In the future, no minor "may be held in physical confinement for a period in excess of the maximum term of imprisonment which could be imposed upon an adult convicted of the offense which brought the minor under the jurisdiction of the juvenile court".

At the present time we have minors in our camp program who were placed in camp by the court after having committed a misdemeanor. Some misdemeanors carry a maximum of 90 days or 180 days in the County Jail. Therefore it is possible that at the present time we are institutionalizing some court wards for a period longer than would be allowed under the new law.

There are no statistics available on this at the present time. However, the Department is conducting a survey to determine how many minors were committed to camp on a petition which alleged and sustained a misdemeanor charge. These figures will be made available to your office as soon as they are ascertained.

Other Factors to be Considered in Our Long Range Detention Facilities Plan

A. Conversion of the Scott Detention Center to A Treatment Facility -

During the past several years we have not been able to meet our detention needs by using only detention facilities. For a time we leased beds from the California Youth Authority in Ontario. This contractual arrangement is no longer in existence. However, since

the demand for beds is greater than available juvenile hall beds, the Probation Department has converted Camp Scott to a detention facility. This facility for many reasons is not suitable for detention purposes. Therefore, the Department intends to convert it to a treatment facility as soon as adequate detention beds are available. When the conversion occurs 90 additional detention beds will be needed.

If Camp Scott is designated as a treatment facility, it will be used for 602 suitable placement cases. Certain minors now in juvenile hall awaiting placement will be placed at Camp Scott. However it is impossible to ascertain the exact number of detention beds which will be created by this transfer, since these types of youngsters generally require a long term program.

B. Use of Detention as A Condition of Probation (Ricardo M.) -

The appellate courts in a recent decision upheld a lower court order placing a minor in juvenile hall for a definite period of time as a condition of probation. Subsequent to this decision the courts have begun placing minors in juvenile hall for short periods of time as a condition of their probation.

During the past two months our statistics indicate that approximately 20 juveniles are on the average in juvenile hall as a condition of probation. However the average number of cases in the hall on week-ends is 52. The court seems to prefer "sentencing" juveniles to the hall on week-ends so as to avoid disrupting their education or current employment. Since the greatest pressure on detention beds occurs on the week-ends, the Department predicts that it will need an additional 50 beds in our detention facilities as a result of this new trend in the law.

C. Discontinued Use of Wayside Juvenile Hall -

This facility was loaned to the Probation Department by the Sheriff's Department in order to meet the detention crisis facing this Department in 1975. It is anticipated that it will be returned to the Sheriff in 1977. Because of its location and the security problems which it presents, the Department does not anticipate its continued use. Phasing out Wayside

will result in an increase need of 210 beds.

D. Manny vs. Cabell

This is a law suit filed against the Probation Officer and the County of Los Angeles by the Western Center on Law and Poverty. The temporary injunction in this case prohibited the Probation Officer from using intensive care and infirmary beds at Central Juvenile Hall as part of its general capacity. If this ultimately becomes the final decree in this case, the Department will also be forced to decrease its capacity at Los Padrinos.

E. Demolition of Central Juvenile Hall Dormitories -

The present facilities plan calls for the demolition of the antiquated, sub-standards buildings at Central Juvenile Hall. This will result in a reduction of 257 detention beds at this facility, thus increasing the need for beds by 257.

F. New Construction (Excluding Sylmar) -

The current facilities master plan calls for the construction of 171 beds at Central Juvenile Hall. This will decrease our detention bed need for 171 beds.

NOTE: See attachment summarizing above items.

The above analysis indicates that even after Sylmar Juvenile Hall is completed in 1977, we will still be in need of an additional 80 beds. This overall deficiency, however, must be considered in light of our inability to estimate the number of post-disposition cases which will flow from our detention facilities to our treatment facilities as these beds become available. These treatment beds will become available after we convert the Scott Detention Center to a treatment facility and after the new law prohibits the confinement of certain minors byond the 90 or 180 day misdemeanor period.

The above report represents a rather comprehensive analysis of the effects of AB 3121 on our detention bed needs. Many of the statistical calculations are pure conjecture. In the final analysis we will need to gain some experience with this new law before we will actually

know the effect on our detention bed needs. Therefore, it would be unwise to alter our facility construction program in any way at this time. To discontinue the construction at Sylmar in light of the many pressures on this Department would only continue the detention crisis that we have faced during the past ten years. This Department views the completed Sylmar institution as an opportunity to minimize or eradicate the overcrowded detention conditions which this Department has faced for so many years.

If there are any questions regarding this report, please contact my office.

Sincerely,

Kenneth F. Fare

KENNETH F. FARE, Acting
Chief Probation Officer

KFF:RDH:nb

Enclosure

AB 3121

CHANGE	IMPACT ON AVAILABLE BEDS NEEDED	
A. Deinstitutionalization of Status Offenders in Detention Facilities		- 136
B. Home Detention Program		- 30
C. Liberalization of Detention Criteria for 602 WIC Cases	+ 116	
D. Longer Detention for Cases Determined Unfit for Juvenile Court	+ 54	
E. Deinstitutionalization of Status Offenders from Treatment Programs		- 90
F. Maximum Limit of Physical Confinement Pursuant to Section 726 WIC		(- ? -)
	+ 170	- 256
Net Decrease in Detention Beds Needed	86	

OTHER FACTORS TO BE CONSIDERED IN LONG RANGE DETENTION FACILITIES PLAN

A. Conversion of Scott Detention Center to A Treatment Facility	+ 90	
B. Use of Detention as A Condition of Probation (Ricardo M.)	+ 50	
C. Discontinued Use of Wayside	+ 210	
D. Manny vs. Cabell	+ 40	
E. Demolition of Central Juvenile Hall Dormitories	+ 257	
F. New Construction Planned (Excluding Sylmar)		- 171
	+ 647	- 171
Long Range Projected Need	476	

Presently Under Construction: Sylmar	411	
Less Intensive Treatment and Infirmary Beds	- 15	
		396
Long Range Projected Need		476
Deficiency		80

LOS ANGELES COUNTY PROBATION DEPARTMENT
CURRENT AND PLANNED DETENTION BED CAPACITY

STATUS	Facility					
	CJH	LP	SFVJH	Wayside	Scott	Total
Current Capacity	567	375	0	210	92	1,244
New Construction Planned	+160	+ 11	+411	-	-	582
Post Construction Capacity	727	386	411	210	92	1,826
Conversion Planned	(-17)[a]	-	(-34)[b]	(-210)[c]	(-92)[d]	(-353)
Demolition Planned	(-257)	-	-	-	-	(-257)
Post Construction, Conversion and Demolition Capacity	453	386	377	-	-	1,216
Loss of Intensive Care Unit Beds	(-60)	(-40)	(36)	-	-	(-136)
Loss of Infirmary Beds	(-38)	(-26)	(-15)	-	-	(- 79)
Net Capacity (w/o ICU and Infirmary Beds)	355	320	326	-	-	1,001
Capacity w/o SFVJH or ICU	355	320	-	-	-	675
Additional Beds Required to Meet Maximum Population Projections After Completion and Occupancy of SFVJH						80

MAXIMUM CAPACITY WITHOUT SFVJH OR ANCILLARY BEDS 675

MAXIMUM CAPACITY WITH SFVJH BUT WITHOUT ANCILLARY BEDS 1,001

MAXIMUM CAPACITY WITH SFVJH AND ANCILLARY BEDS 1,216

a - Discontinue use of some dayrooms for sleeping.

b - Conversion of 34 bedrooms to counseling rooms and offices.

c - Return of Wayside to L.A.S.O.

d - Conversion of Scott Detention Center to a camp for hard-to-place boys.

Attachment C.

COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012

JOHN H. LARSON, COUNTY COUNSEL
&
DONALD K. BYRNE, CHIEF DEPUTY

October 14, 1976

Honorable Board of Supervisors
383 Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Juvenile Court Legislation
1976 Legislative Session

Gentlemen:

By order of September 21, 1976, your Honorable Board instructed the County Counsel to provide a report on legislation relating to the juvenile court which was enacted in the 1976 session of the Legislature.

AB 3121 (Chapter 1071, Stats. 1976)

This was the principal legislation enacted in the 1976 session of the Legislature relating to the juvenile court. It made a number of substantial changes relating to several subjects including:

1. The Purposes of the Juvenile Court Law

This legislation adds to the purposes of the Juvenile Court Act:

(a) The protection of the people from criminal conduct by minors.

(b) The imposition on the minor of a sense of responsibility for his own acts.

It also expresses the legislative purpose of removing minors from the custody of their parents when necessary for their

welfare or the safety or protection of the public rather than removing them only when such welfare, safety and protection cannot be adequately safeguarded without removal.

2. Judges and Referees in the Juvenile Court

(a) This chapter expresses the legislative intent that commencing on January 1, 1979, at least one-half of the judicial officers hearing and disposing of matters in the juvenile court will be judges.

(b) Referees are prohibited from trying any action or proceeding if it is established that they are prejudiced against any party or attorney, or the interest of any party or attorney therein.

(c) Referees are also prohibited from trying any action or proceeding where they have a personal or financial interest, are related to either party, or are a former counsel for either party or are physically impaired.

(d) The disqualification provisions of CCP Section 170.6 applicable to judges are made applicable to juvenile court referees.

(e) If a juvenile court referee is disqualified, the matter must be assigned to another referee or judge of the juvenile court.

(f) The qualifications for referees are revised to require that every referee first appointed after January 1, 1977, shall have been admitted to practice in California for not less than five years, or in another state and in California for a combined period of not less than ten years.

3. Distinctions Between Minors Charged With Criminal Offenses and Status Offenders

This statute provides a greater distinction between minors alleged to come within Welfare and Institutions Code Section 602 by reason of committing a criminal offense and non-criminal minors who are alleged to come within Section 601.

(a) Minors taken into custody or made wards of the court solely on the ground that they are persons described by Section 601 must be detained in a sheltered-care facility or crisis-resolution home or some other non-secure facility and cannot be detained in facilities such as a jail, lockup or juvenile hall.

(b) The provisions of Welfare and Institutions Code Section 602 which "escalated" a minor who is within Section 601 to a person within Section 602 solely because he failed to obey a lawful order of the juvenile court were repealed.

(c) Minors who violate any curfew ordinance based solely on the ground of age are removed from the provisions of Section 602 and placed within Section 601.

4. Detention of Minors

(a) Minors taken into custody or made a ward of the court on the basis that they are persons under Section 601 may be detained only in a sheltered-care facility, crisis-resolution home or other non-secure facility.

(b) One of the conditions for detaining a minor who has been taken into temporary custody and delivered to the probation officer or who has had a detention hearing has been changed to authorize his continued detention when it is a matter of reasonable necessity rather than immediate and urgent necessity for the protection of the person or property of another.

(c) Even if a minor meets one or more of the statutory criteria for detention after being taken into temporary custody and delivered to the probation officer, or after a detention hearing, the court or the probation officer may place the minor under home supervision if they believe that 24 hour secure detention is not necessary for the protection of the minor or the person or property of another or to insure that the minor does not flee the jurisdiction of the court.

As a condition of such release to home supervision, the minor may be required to sign a written promise to obey the specific conditions of his release which may include curfew and school attendance requirements and appearance at future court hearings. A violation of such a condition may result in the minor being taken into custody and placed in secure detention.

5. Maintenance and Operation of Detention Facilities and Provision of Other Services to Minors by Counties

(a) As a result of the prohibition against detaining non-criminal juveniles in secure facilities, a county will be required to provide sheltered-care facilities, crisis-resolution homes and other non-secure facilities for status offenders.

(b) In each county there is required to be a program of home supervision for minors who would otherwise be detained in the juvenile hall but who are permitted to remain in their homes pending court disposition of their cases, under the supervision of the probation officer. A probation officer assigned to the home supervision program is required to have a case load limited to no more than 10 minors.

(c) The probation officer is authorized to operate and maintain non-secure detention facilities or to contract with private agencies offering such services for minors who are not considered escape risks and are not considered a danger to themselves or to the person or property of another.

(d) In connection with the expansion of informal probation programs, the probation officer is authorized to provide additional services to a minor who might otherwise be brought into the juvenile court. These include provision of sheltered-care facilities and counseling services to the minor and his family for a period up to 90 days; crisis-resolution homes with

counseling to the minor and his family for a period up to 20 days and counseling, educational and vocational services. These facilities and services can be provided through contracts with private or public agencies.

The probation officer is also authorized to make referrals of minors on probation to other private or public agencies offering similar services.

A minor and his parents may be required to reimburse the county in full or in part for these services.

6. Expansion of the Duties of the District Attorney

The duties of the district attorney have been substantially increased:

(a) In all juvenile court hearings alleging that a minor is a person within Section 602, the district attorney is required to appear on behalf of the people.

(b) In a hearing alleging that the minor is a person within Section 601 and where the minor is represented by counsel, the district attorney may, with the consent or at the request of the juvenile court judge, or at the request of the probation officer with the consent of the juvenile court judge, appear and participate in the hearing to assist in ascertaining and presenting the evidence.

(c) Where a petition alleges that a minor is a person described in Section 600(a)(b) or (d) and a parent, guardian or other custodian is charged in a pending criminal prosecution based on unlawful acts committed against the minor, the district attorney is required, with the consent or at the request of the judge, to represent the minor in the interest of the state.

(d) The district attorney is required to file petitions with the juvenile court in any proceeding to declare a minor a ward under Section 602.

If the probation officer determines that proceedings should be commenced to declare a minor a ward of the court, under Section 602, he must present the matter to the district attorney who has discretion to institute such proceedings.

7. Changes in the Duties of Probation Officers

The duties and authority of probation officers relating to informal probation of juveniles who would otherwise be referred to the juvenile court has been substantially expanded:

(a) Where the probation officer believes that the interest of the minor and the community can be protected, he is required to make a diligent effort to proceed by informal probation rather than by petition to the court.

(b) The probation officer is authorized to contract with private or public agencies to provide sheltered-care facilities and counseling services to the minor and his family for a period up to 90 days.

(c) The probation officer is authorized to maintain and operate crisis-resolution homes or contract with private or public agencies to provide such services to minors for a period up to 20 days and to provide counseling for the minor and his family during this period.

(d) The probation officer is authorized to maintain and operate counseling and educational centers and to contract with private and public agencies to provide vocational training or skills for minors on informal probation.

(e) The probation officer's duties as to investigation of minors remain the same, but his duties as to filing petitions with the juvenile court are limited to minors alleged to be within Sections 600 or 601.

8. Juvenile Court Procedure

(a) The rules of evidence in juvenile court matters have been made consistent with other courts by the provision that the admission and exclusion of evidence in such proceedings shall be pursuant to the rules of evidence established by the Evidence Code and by judicial decision. Formerly, any matter or information relevant or material to the circumstances or acts alleged to bring the minor within the jurisdiction of the juvenile court was admissible.

(b) The juvenile court is required to find a minor who is alleged to be a person described in Section 602 by reason of a violation, when he was 16 years of age or older, of a serious felony designated in Section 707(b), unfit to be dealt with under the juvenile court law unless it concludes, based on specified criteria, that the minor would be amenable to the care, treatment and training program available through the juvenile court.

(c) Where a minor who is within Section 602 has committed an offense, which if committed by an adult would be punishable as either a felony or a misdemeanor, the court must declare whether it is a felony or a misdemeanor.

9. Disposition of Juvenile Court Cases

The jurisdiction of the juvenile court in making dispositions of juvenile matters has been expanded in several respects:

(a) The jurisdiction of the juvenile court over a person found to be within Section 602 and committed to the Youth Authority by reason of the commitment of a serious felony as described in the Act when he was 16 years old or older, is extended until such person is 23 years of age. Formerly such jurisdiction expired when the minor reached the age of 21.

(b) The period for which a minor, found to be a ward of the court pursuant to Section 602, can be held in physical confinement in a juvenile home, ranch, camp, or forestry camp, or by the Youth Authority, is limited to the maximum term of imprisonment which could be imposed upon an adult convicted of the offense which brought the minor under the jurisdiction of the juvenile court. However, at the request of the minor, the court may permit him to remain in any home or placement facility beyond such maximum term.

(c) When a minor is adjudged a ward of the court under provisions of Section 602, and placed under the supervision of the probation officer, the court can require that he go to work and earn money for the support of his dependents or to effect reparation and to keep an account of his earnings and apply them as directed by the court. In addition, the court may order the ward to make restitution or participate in an uncompensated work program, or may commit him to a sheltered-care facility, or order that he and his family participate in a program of professional counseling.

(d) The court is given authority to make orders to the parents or guardians of a minor relating to their supervision of the minor.

10. State Reimbursement for Added County Costs

Although the amendments to the juvenile court law provide for extensive additional programs and services to minors and add to the duties of the district attorney and probation officer, and require the maintenance and operation of additional detention facilities by counties, all of which will be extremely expensive, this bill contains a disclaimer of reimbursement pursuant to Revenue and Taxation Code Section 2231.

SB 1694 (Chapter 1070, Stats. 1976) (URGENCY)

1. This chapter contains a variety of provisions relating to the operation of the criminal and juvenile courts and the duties of the probation officer.

(a) A criminal court, upon committing a defendant to the Youth Authority, is authorized to designate the offense to be a misdemeanor.

(b) When a defendant is committed to the Youth Authority for a crime punishable in the discretion of the court by imprisonment in the state prison, or fine and imprisonment in the county jail, upon the discharge of the defendant from the Youth Authority, the offense shall be deemed a misdemeanor for all purposes.

(c) Parallel provisions to Chapter 1071 relating to the detention of juveniles and the authority of the court to make orders to parents or guardians of minors after a juvenile court disposition proceeding are included in this act.

(d) The probation officer is required, upon the request of an alleged victim of a crime committed by a person against whom a petition has been filed pursuant to Section 602, to inform such person within 60 days of the final disposition of the case, by letter, of such disposition.

SB 1695 (Chapter 1069, Stats. 1976)

1. This act relates to juveniles who have been tried as adults for criminal offenses.

(a). A criminal court prior to imposing sentence is authorized to remand minors to the custody of the Youth Authority for up to 90 days for evaluation and report concerning their amenability to training and treatment offered by the Authority.

(b) No minor who is under the age of 18 when he committed a criminal offense, and who has been found not a fit and proper subject to be dealt with under the juvenile court law, shall be sentenced to the state prison unless he has been first remanded to the Youth Authority for evaluation and report, and the court finds, after reading and considering the report, that the minor is not a suitable subject for commitment to the Youth Authority.

(c) Existing provisions relating to the return of juveniles from the adult court to the juvenile court for disposition of pending charges, are repealed.

SB 2172 (Chapter 1068, Stats. 1976)

1. This statute separates the provisions of the Juvenile Court Act relating to dependent children of the court and wards of the court into separate and independent statutory units:

(a) The Legislature expressed its intent in enacting this statute to completely separate the statutory references in Sections 600 through 800 of the Welfare and Institutions Code to dependent children and wards of the juvenile court, by non-substantive amendments. It is the expressed intent of the Legislature that this act shall not make any substantive changes in the Arnold-Kennick juvenile court law.

(b) Parallel provisions to those contained in Chapter 445, discussed hereafter, are included which authorize minors who are transferred to local health facilities on the ground of mental disorder to participate, together with adults committed to the health facility, in hospital recreation activities directly supervised by hospital employees so long as living arrangements are strictly segregated and all precautions are taken to prevent unauthorized association.

(c) Provisions are included parallel to those of the "Family Protection Act of 1976" contained in Chapter 977, discussed below, and modified to apply to dependent children of the juvenile court.

SB 30 (Chapter 977, Stats. 1976)

1. This chapter enacts the "Family Protection Act of 1976" to provide for a limited term demonstration program during the period from January 1, 1977 through June 30, 1981 in not less than two or more than four counties to be selected by the State Department of Health and to provide state reimbursement for costs incurred by a demonstration county in providing state protective services. This act contains extensive provisions for the demonstration program some of which include:

(a) This act applies only to children declared dependents of the juvenile court on or after July 1, 1977 and to those voluntarily placed by their parents after such date.

(b) Parents, with the requested participation of the welfare department, could agree to place their child in a foster home with the requirement that every attempt be made to keep the family together through state protective services.

(c) A program of family reunification services would be required to facilitate the return to the family of minors who have been placed in foster homes either voluntarily or under the juvenile court law.

(d) The juvenile court in a demonstration county could order services to be provided to keep the family together and place the family under the supervision of the probation officer or a social worker for a period not to exceed six months instead of declaring a minor a dependent child of the court.

(e) A probation officer or social worker of a demonstration county could refer a child to state protective services in lieu of filing a petition to declare a minor a dependent child.

(f) The probation officer or social worker of a demonstration county would be required to attempt to keep the parents and minor together by providing appropriate services and, if separated, provide services to facilitate the return of the minor.

(g) Certain representation by counsel would be required in a dependency proceeding in the juvenile court for the minor as well as his parents or guardian if they desire counsel but cannot afford it.

(h) The procedures of the juvenile court and the duties of the probation officer and social workers are modified for the purpose of this program.

(i) A procedure is provided for declaring dependent children of the court who are voluntarily placed out of the home or removed from parental custody to be judicially declared free from parental control.

SB 2034 (Chapter 654, Stats. 1976)

This statute authorizes a peace officer who takes a minor into temporary custody on the ground that he is a person described in Section 600, to authorize, with the verbal or written concurrence of the probation officer, a medical or dental examination sufficient to certify that the minor has no significant illness or injury which may otherwise threaten his health or life or that of others whom he may contact while in custody. Such examination would be performed prior to or in the process of delivering the minor to the probation officer and would involve diagnostic procedures not including the insertion of needles or other devices that require penetration of the skin.

AB 3004 (Chapter 451, Stats. 1976) (URGENCY)

1. This legislation relates to the administration of pilot project schools at juvenile facilities:

(a) The fitness certification provision for instructors in pilot project schools conducted at juvenile facilities is revised to authorize certification of persons employed by the probation officer as well as by the organization which provides training.

(b) The services performed at pilot project schools are expanded to include vocational training as well as vocational training courses which may be conducted in connection with, as well as at the pilot project schools.

(c) The termination date of the pilot project is extended from January 1, 1977 to January 1, 1978.

(d) The time for the legislative analyst to report on the pilot project has been extended to January 1, 1977.

AB 3361 (Chapter 445, Stats. 1976) (URGENCY)

1. This statute relates to mentally disordered juveniles:

(a) Transfer of mentally disordered juveniles from juvenile detention facilities, including public or private homes or institutions in which wards or dependent children of the juvenile court or persons awaiting a hearing before the juvenile court are detained, to local health facilities under the Lanterman-Petris-Short Act is authorized on the same basis that such authority already exists for jail inmates.

(b) Such minors, who are transferred to local health facilities are authorized to participate in hospital recreational activities, together with adults committed to the health facility, so long as such activities are supervised by

hospital employees, and living arrangements are strictly segregated and all precautions are taken to prevent unauthorized association.

(c) A minor within the jurisdiction of the juvenile court may, with the advice of counsel, make voluntary application for inpatient or outpatient mental health services. The juvenile court may authorize such application if it is satisfied from the evidence before it that the minor suffers from a mental disorder which may reasonably be expected to be cured or ameliorated by a course of treatment offered by the program in which the minor wishes to be placed and that there is no better available program.

If the minor is accepted as a voluntary patient, the court may issue an order to the minor and the person in charge of the facility or program in which the minor is placed that should the minor leave, or demand to leave, the program prior to the time he is discharged he shall be returned to court for further proceedings under the juvenile court law.

SB 1539 (Chapter 399, Stats. 1976) (URGENCY)

1. This act authorizes the presiding or sole juvenile court judge, where there is no juvenile hall in the county or when the juvenile hall becomes unfit or unsafe for detention of minors by reason of overcrowding, with the recommendation of the probation officer of the sending county and the consent of the probation officer of the receiving county, to designate the juvenile hall of any county in the state for the detention of an individual minor for not to exceed 60 days.

Notice of the transfer must be given to the parent or guardian. The county of residence of the minor must reimburse the receiving county for its costs and liability as agreed upon by the two counties.

The Youth Authority is required to establish a maximum population limit for each juvenile hall in the state.

AB 3655 (Chapter 250, Stats. 1976) (URGENCY)

This chapter authorizes probation officers to receive and detain in a county juvenile hall any minors committed thereto by any process or order issued under the authority of the United States. In the absence of a valid detention order issued by federal court, such detention is limited to three judicial days.

Boards of supervisors are authorized to contract with the United States for reimbursement of the county costs.

Juveniles placed in a juvenile hall pursuant to federal authority must be treated in the same way as juveniles detained pursuant to state law.

SB 1045 (Chapter 89, Stats. 1976)

1. This law relates to the rules of evidence in juvenile courts in connection with Section 600 cases:

(a) Where the court finds, based upon competent professional evidence, that an injury or detrimental condition sustained by a minor is of such a nature that it would not ordinarily be sustained except as a result of the unreasonable or negligent acts of a parent, guardian or person who has custody of the minor, such evidence shall be prima facie evidence of the minor's need for proper and effective parental care and shall be sufficient to support a finding that the minor is a person described by Section 600(a).

(b) Such evidence is also prima facie evidence that the minor's home is an unfit place for him by reason of neglect, cruelty or physical abuse of the minor and is sufficient to support a finding that he is a person described in Section 600(d).

(c) Proof that a parent, guardian or custodian of a minor who is the subject of a petition

filed under Section 600 has physically abused, neglected or cruelly treated another minor is admissible in evidence.

(d) The presumptions created by this statute are presumptions affecting the burden of producing evidence.

(e) Testimony by a parent, guardian or custodian of a minor made the subject of proceedings under Section 600(a) or (d) is not admissible as evidence in any other action or proceeding.

We hope that this report will be of assistance to your Board in its work with the juvenile court.

Yours truly,

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